

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

J. RANDALL PITTS, JR., individually and on)	
behalf of all others similarly situated,)	
)	
Plaintiffs,)	
)	CIVIL ACTION NO. 08-PWG-18-S
v.)	
)	
)	
GREY HOUSE GRILLE, INC.,)	
)	
Defendant.)	

MEMORANDUM OF OPINION

On July 28, 2008 the Magistrate Judge entered Findings and Recommendation in the above-captioned civil action, recommending that the complaint in the above-captioned civil action be dismissed both on grounds that the cause of action itself is precluded and plaintiff's failure to adhere to the order to respond to the motion to dismiss by a date certain. No objections have been filed by either party pursuant to Rule 72 of the *Federal Rules of Civil Procedure*.

After careful review and a *de novo* consideration of the materials in the court file, including the findings and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation ACCEPTED. Accordingly, the complaint is due to be dismissed. A Judgment will be entered.

As to the foregoing it is SO ORDERED this the 14th day of August, 2008.



INGE PRYTZ JOHNSON
U.S. DISTRICT JUDGE